

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOSE PEREZ, #37451-004

PETITIONER

VERSUS

CIVIL ACTION NO. 5:07cv104-DCB-MTP

BUREAU OF PRISONS,
HARLEY LAPPIN, R. HOLT, A. GONZALEZ,
and CONSTANCE REESE, Warden FCI-Yazoo City

RESPONDENTS

ORDER EXTENDING TIME TO COMPLY

This cause comes before this court upon review of the plaintiff's response [7] filed on August 20, 2007, to the order [6] filed July 30, 2007. Having reviewed the response [7] of August 20, 2007, this court has determined that the plaintiff did not respond and provide the requested information to questions 1(d) - (p) of the order [6] filed July 30, 2007. Additionally, this court finds that the petitioner needs to provide the name of the case that he is relying on to support his claim that the United States Sentencing Guidelines are void. Therefore, out of an abundance of caution, the plaintiff is hereby granted an extension of time to comply with the order [6] of July 30, 2007, and provide additional information to support his claim. Accordingly, it is

ORDERED:

1. That the plaintiff is granted an extension of time until and including, September 7, 2007, to file a written response to the following:

- (a) state if the petitioner has filed a notice of appeal concerning his conviction;
- (b) if so, state the date the notice of appeal was filed;
- (c) state the date of the decision of the courts of appeals;
- (d) state the decision of the court of appeals;
- (e) state if the petitioner has filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 or other motion which the sentencing court has construed as a motion pursuant to 28 U.S.C. § 225;

- (f) if the petitioner has filed such a motion, state the grounds presented in that motion;
- (g) state the decision of that court concerning the § 2255 motion;
- (h) state the date of the decision of that court;
- (i) state if the petitioner appealed the decision of the sentencing court concerning the § 2255 motion;
- (j) state the decision of the court of appeals concerning the appeal of the § 2255 motion;
- (k) state the date of the decision of the court of appeals concerning the appeal of the § 2255 motion;
- (l) state the grounds on which the petitioner is basing this habeas corpus petition
- (m) specifically state if the petitioner is claiming that § 2255 is an inadequate or ineffective means of attacking his current confinement and if so, state grounds to support this assertion and
- (n) state the name(s) of the United States Supreme Court case(s) that the petitioner is relying on supporting his claim that the United States Sentencing Guidelines are void for violating the Fifth and Sixth Amendment rights.

2. That the petitioner is required to file his original response to this order with the Clerk, Western Division, P.O. Box 23552, Jackson, Mississippi 39225. Failure to properly file a response may result in this civil action being dismissed.

3. That failure to advise this court of a change of address or failure to timely comply with any order of this court will be deemed as a purposeful delay and contumacious act by the petitioner and may result in this cause being dismissed without prejudice and without further notice to the petitioner.

This the 24th day of August, 2007.

s/ Michael T. Parker
UNITED STATES MAGISTRATE JUDGE